

**REMARKS**

This amendment, filed in reply to the Office Action dated May 29, 2007, is believed to be fully responsive to each point of the rejection raised therein. Accordingly, favorable reconsideration and allowance of the subject application are respectfully requested.

Claims 1-9 are all the claims pending in the application. No new matter is added.

The Examiner did not acknowledge the claim for Foreign Priority under 35 USC 119 and receipt of the certified copy of the foreign priority document. Accordingly, The Examiner is requested to acknowledge the Foreign Priority claim and receipt of the priority document in the next Office Action.

**Objection**

Claim 1 is objected to because of the alternative language recited in the claim, i.e. “and/or.” Claim 1 has been amended to remove the alternative language. Accordingly, the Examiner is requested to remove the objection

**Rejection under 35 U.S.C. § 112**

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has amended claim 1 to improve clarity. Accordingly, the Examiner is requested to remove the 35 U.S.C. § 112, second paragraph rejection.

**Rejection under 35 U.S.C. § 102**

Claims 1-7 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Battat et al.

U.S. Patent No. 6,289,380 (hereinafter “Battat”). Applicant respectfully traverses this rejection.

The claimed invention relates to:

A system for managing the display of images representing network equipments A system for managing the display of images representing network equipments of a communication network, said system comprising elements associated with hierarchical levels, wherein **each element is associated with a set of primary data stored in a memory which represents said element within the level to which said element belongs with no specific attachment to a level higher than said element and at least one set of secondary data stored in said memory which represents said element within the level to which said element belongs when said element is attached to a level higher than or equal to the level of said element in the hierarchy, and wherein said system further comprises management means adapted, in the event of receiving a request designating a chosen level of a network equipment with or without attachment, to access said sets of primary and secondary data in order to extract from the memory the sets of primary or secondary data of the elements of the equipment that belong to said designated level and to levels lower than said equipment,**

**according to whether said level is designated with or without attachment.”**

(emphasis added)

Battat, on the other hand, teaches a network management system that allows an operator to travel through the network hierarchy's representation in a virtual environment. See the abstract. The system of Battat provides for visualization of computer component in three dimensional environment. See col. 4, lines 46-50. Further, Battat teaches that users can drill down to any node . See col. 5, lines 7-9. Battat further teaches that a user is able to filter to different views, e.g., comprehensive end-to-end management of the all resources or Business process view. This allows the user to identify the parts of the network that relates to a specific business interest. See col. 5, line 26 to col. 6, line 30. Battat also discloses in relation to Fig. 5 how objects are displayed. See also col. 9, lines 16-37.

However, the system of Battat differs from the claimed invention at least in the following ways: First, Battat does not take into account the hierarchical relationship of the elements and sub-elements that constitute the equipments and ultimately the system as a whole. Second, Battat is concerned with 3D navigation among objects. The placement of objects is defined in a logical way such as their connectivity to each other. While the claimed invention allows displaying the outlines of the plan of equipment in a realistic way taking into consideration the physical position of the objects. This solution does not exist in Battat.

Applicants respectfully submits that Battat fails to disclose the claimed invention as described in claim 1. In particular, Battat does not teach or suggest the claimed feature of “**each**

**element is associated with a set of primary data stored in a memory which represents said element within the level to which said element belongs with no specific attachment to a level higher than said element and at least one set of secondary data stored in said memory which represents said element within the level to which said element belongs when said element is attached to a level higher than or equal to the level of said element in the hierarchy.”** Further, Battat does not teach or suggest the claimed feature of **“management means adapted, in the event of receiving a request designating a chosen level of a network equipment with or without attachment, to access said sets of primary and secondary data in order to extract from the memory the sets of primary or secondary data of the elements of the equipment that belong to said designated level and to levels lower than said element, according to whether said level is designated with or without attachment.”** Therefore, Applicant respectfully requests that the rejection be withdrawn.

The sections of the reference relied on by the Examiner were carefully reviewed, but these sections also fail to teach the claimed invention as described. If the Examiner insists on maintaining this rejection, the Applicant respectfully requests that the Examiner issue a detailed Office Action pointing out in the reference where each of the above highlighted limitations are disclosed. Otherwise, Applicant respectfully requests the withdrawal of the rejection and earnestly solicits the allowance of the subject application.

Regarding the inherency argument set forth by the Examiner. The Examiner appears to associate the recitation of “each equipment element is associated with a set of primary data stored in a memory which represent the element within the level to which the element belongs

with no specific attachment to a level higher than (itself) the level of that element in the hierarchy” with the teaching of Battat, figure 10B, col. 12, lines 28-31. The Examiner asserts “where VR-3d properties are listed which are within the VR-3d level and since it is listed under device property and device is listed under software, therefore, inherently it is stored in memory.” Applicant respectfully disagrees. First, the section cited is void of any teaching relating to storing primary data in memory which represent the element with the level to which the element belongs, instead this section deals with allowing a user to customize the system. Second, assuming that it is inherent to store data in relation to the customization process disclosed in Battat, it would not follow that it would be inherent to store specific type of data “primary data representing an element which represent the element within the level to which the element belongs...” as recited in claim 1.

MPEP, section 2112 (IV) sets forth the test to establish inherency. It states, “the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).” In other words, for inherency to apply, the subject matter not disclosed by the reference must always be present. Or in this case, data to represent an element to be displayed must always be stored in the same specific way. Applicant respectfully submits that the claimed invention provides a specific set of data to be stored to represent the equipment based on whether on the level that the element belongs and

whether there is attachment and that the cited portion of Battat relied on by the Examiner would not render this limitation inherent. If the Examiner insists in maintaining this rejection. Applicant respectfully requests that the Examiner explains in full detailed how is it made inherent by Battat the specific set of data stored, in different situations, as recited in claim 1. Otherwise, Applicant respectfully requests the withdrawal of this rejection and the allowance to the claim is earnestly solicited.

Claims 2-7 are patentable over Battat at least by virtue of their dependency on claim 1 and for the same rationale.

Newly added claim 9 recites similar limitations as in claim 1 and is patentable for the same rationale.

#### **Rejection under 35 U.S.C. § 103**

Claim 8 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Battat in view of Rochford U.S. Patent No. 6,633,312 (hereinafter "Rochford")

Since claim 8 depends upon claim 1 and Rochford does not remedy the deficient teachings of Battat with respect to claim 1, claim 8 is patentable at least by virtue of its dependency on claim 1.

#### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

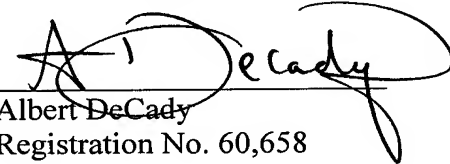
AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No.: 10/673,458

Attorney Docket No.: Q77711

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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